**UNITED STATES DISTRICT COURT**
**MIDDLE DISTRICT OF TENNESSEE**
**NORTHEASTERN DIVISION**

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|---|---|---|
| **JOSHUA LEE CARROLL, *et al.*,** | ) | |
| | ) | |
| **Plaintiffs,** | ) | |
| | ) | **No. 2:11-cv-0019** |
| **v.** | ) | |
| | ) | **Judge Sharp** |
| **FENTRESS COUNTY SHERIFF DEPARTMENT, *et al.*,** | ) | **Magistrate Judge Bryant** |
| | ) | |
| **Defendants.** | ) | |

**ORDER**

In this case brought by two former inmates of the Fentress County Jail, the Magistrate Judge has entered a Report and Recommendation ("R & R") (Docket Entry No. 286), recommending that *Defendant Faye Smith's Motion to Dismiss and for Summary Judgment*[1] (Docket Entry No. 149) be granted with respect to Plaintiff King's claims and denied as moot with respect to Plaintiff Carroll.

The R & R provides, in part,

> . . . the undersigned Magistrate Judge finds that upon the proof in this record no reasonable jury could find that Defendant Smith was willfully indifferent to the serious medical needs of Plaintiff King. Therefore, the undersigned Magistrate Judge finds that there is no genuine dispute as to any material fact and that Defendant Smith is entitled to judgment as a matter of law.

(Docket Entry No. 286 at 8). Plaintiff King filed a timely response in opposition to the R & R. (Docket Entry No. 297).

[1] In addition to moving for summary judgment on Plaintiff King's claims, Defendant Smith's motion sought dismissal of Plaintiff Carroll's claims for failure to prosecute. The Court adopted a R & R of the Magistrate Judge on July 30, 2013, and dismissed Plaintiff Carroll's Complaint with prejudice. *See* (Docket Entry Nos. 162 and 260).

Having thoroughly reviewed the record in this case and the applicable law in accordance with Rule 72(b), the Court will accept the R & R for the above-mentioned reason of the Magistrate Judge.

Accordingly, the Court hereby rules as follows:

(1) The Report and Recommendation (Docket Entry No. 286) is hereby ACCEPTED and APPROVED;

(2) *Defendant Faye Smith's Motion to Dismiss and for Summary Judgment* (Docket Entry No. 149) is hereby GRANTED in part and DENIED in part. The motion for summary judgment with respect to Plaintiff King's claims should be GRANTED, and the motion with respect to Plaintiff Carroll should be DENIED as moot; and

(3) The claims against Defendant Faye Smith are hereby DISMISSED WITH PREJUDICE.

This action is hereby returned to the Magistrate Judge for further pretrial management in accordance with Local Rule 16.01 for the remaining claims against Defendant Laurel Wasik.

**It is SO ORDERED.**

Kevin H. Sharp

KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE